

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

In re:	)	Chapter 11
	)	Case No. 08-35653-KRH
CIRCUIT CITY STORES, INC., et al.,	)	Jointly Administered
	)	Judge Kevin R. Huennekens
Debtors.	)	
	)	<b><u>Hearing Date: 10:00 a.m., March 3, 2009</u></b>

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**NOTICE OF MOTION AND HEARING**

**PLEASE TAKE NOTICE** that MDS Realty II, LLC, a Delaware limited liability company (“MDS Realty”), by its undersigned counsel, has filed with the Court in the above-captioned bankruptcy case a *Motion and Supporting Memorandum of MDS Realty II, LLC, for (A) an Order Compelling Debtors to Immediately Pay Administrative Expenses Pursuant to 11 U.S.C. §§ 365(d)(3) and 503(b); and (B) Granting Related Relief* (the “Motion”).

**PLEASE TAKE FURTHER NOTICE** that MDS Realty intends to present such Motion for hearing at the Omnibus Hearing scheduled in the above-captioned case for March 3, 2009, at 10:00 a.m., in the United States Bankruptcy Court for the Eastern District of Virginia, 701 East Broad Street, Courtroom 5000, Richmond, Virginia 23219.

**Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the Court to grant the relief sought in the Motion, or if you want the Court to consider your views on the Motion, then or before February 24, 2009, you or your attorney must:

1. File with the Court, at the address shown below, a written response pursuant to Local Bankruptcy Rule 9013-1(H). If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

William C. Redden  
Clerk of Court  
United States Bankruptcy Court  
Eastern District of Virginia, Richmond Division  
701 East Broad Street, Suite 4000  
Richmond, VA 23219

You must also mail a copy to:

Meredith L. Yoder, Esq.  
Parker, Pollard & Brown, P.C.  
6802 Paragon Place, Suite 300  
Richmond, Virginia 23230-1655

2. Attend the hearing on the Motion scheduled to be held on March 3, 2008 at 10:00 a.m. in Chief Judge Huennekens' Courtroom at the U.S. Bankruptcy Court, 701 East Broad Street, Room 5000, Richmond, VA 23219.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

### **NOTICE**

**Under Local Bankruptcy Rule 9013-1, unless a written response to this Motion and supporting memorandum are filed with the Clerk of the Court and served on the moving party within five (5) business days before the scheduled hearing date, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing.**

This 10<sup>th</sup> day of February, 2009.

MDS REALTY II, LLC

By: /s/ Meredith L. Yoder  
Counsel

Stephen E. Scarce (VSB # 42395)  
Meredith L. Yoder (VSB # 48951)  
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*Counsel for MDS Realty II, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of February, 2009, a true and accurate copy of the foregoing Notice of Motion and Hearing was electronically filed with the Clerk of the Court using the CM/ECF system, which shall cause notice of electronic filing to be served on all registered users of the ECF system that have filed notices of appearance in this case.

/s/ Meredith L. Yoder

Counsel